SUPREME COURT OF THE UNITED STATES

Nos. 32, 33, 34, and 35.—October Term, 1966.

James R. Hoffa, Petitioner,
32 v.
United States.

Thomas Ewing Parks,
Petitioner,
33 v.
United States.

Larry Campbell, Petitioner,
34 v.
United States.

Ewing King, Petitioner,
35 v.
United States.

On Writs of Certiorari to the United States Court of Appeals for the Sixth Circuit.

[December 12, 1966.]

Mr. Justice Stewart delivered the opinion of the Court.

Over a period of several weeks in the late autumn of 1962 there took place in a federal court in Nashville, Tennessee, a trial by jury in which James Hoffa was charged with violating a provision of the Taft-Hartley Act. That trial, known in the present record as the Test Fleet trial, ended with a hung jury. The petitioners now before us—James Hoffa, Thomas Parks, Larry Campbell, and Ewing King—were tried and convicted in 1964 for endeavoring to bribe members of that jury.[1] The convictions were affirmed by the Court of Appeals.[2]

[1] Petitioners Hoffa, Parks, and Campbell were convicted under 18 U. S. C. § 1503 for endeavoring corruptly to influence Test Fleet juror Gratin Fields. Petitioners Hoffa and King were convicted of a similar offense involving Test Fleet juror Mrs. James M. Paschal.

[2] 349 F. 2d 20.

A substantial element in the Government's proof that led to the convictions of these four petitioners was contributed by a witness named Edward Partin, who testified to several incriminating statements which he said petitioners Hoffa and King had made in his presence during the course of the Test Fleet trial. Our grant of certiorari was limited to the single issue of whether the Government's use in this case of evidence supplied by Partin operated to invalidate these convictions. 382 U. S. 1024.

The specific question before us, as framed by counsel for the petitioners, is this:

> "Whether evidence obtained by the Government by means of deceptively placing a secret informer in the quarters and councils of the defendant during one criminal trial so violates the defendant's Fourth, Fifth and Sixth Amendment rights that suppression of such evidence is required in a subsequent trial of the same defendant on a different charge."

At the threshold the Government takes issue with the way this question is worded, refusing to concede that it "'placed' the informer anywhere, much less that it did so 'deceptively.'" In the view we take of the matter, however, a resolution of this verbal controversy is unnecessary to a decision of the constitutional issues before us. The basic facts are clear enough, and a lengthy discussion of the detailed minutiae to which a large portion of the briefs and oral arguments were addressed would serve only to divert attention from the real issues before us.

The controlling facts can be briefly stated. The Test Fleet trial, in which James Hoffa was the sole individual defendant, was in progress between October 22 and December 23, 1962, in Nashville, Tennessee. James Hoffa was president of the International Brotherhood

of Teamsters. During the course of the trial he occupied a three-room suite in the Andrew Jackson Hotel in Nashville. One of his constant companions throughout the trial was the petitioner King, president of the Nashville local of the Teamsters Union. Edward Partin, a resident of Baton Rouge, Louisiana, and a local Teamsters Union official there, made repeated visits to Nashville during the period of the trial. On these visits he frequented the Hoffa hotel suite, and was continually in the company of Hoffa and his associates, including King, in and around the hotel suite, the hotel lobby, the courthouse, and elsewhere in Nashville. During this period Partin made frequent reports to a federal agent named Sheridan concerning conversations he said Hoffa and King had had with him and with each other, disclosing endeavors to bribe members of the Test Fleet jury. Partin's reports and his subsequent testimony at the petitioners' trial unquestionably contributed, directly or indirectly, to the convictions of all four of the petitioners.[3]

The chain of circumstances which led Partin to be in Nashville during the Test Fleet trial extended back at

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[3] Partin testified at the trial of this case that petitioners Hoffa and King had made the following statements during the course of the Test Fleet trial:

On October 22, the day Partin first arrived in Nashville, King told him that a meeting had been "set up on the jury that night." That evening Hoffa told Partin that he wanted Partin to stay in Nashville in order to call on some people. Hoffa explained "that they was going to get to one juror or try to get to a few scattered jurors and take their chances." The next day Partin was told by Hoffa that Hoffa might want him "to pass something for him." As Hoffa said this, he hit his rear pocket with his hand. On October 25, the day after Test Fleet juror James Tippens had reported to the trial judge that he had been approached with a bribe offer, Partin asked Hoffa about his wanting Partin to "pass something." Hoffa replied, "The dirty bastards went in and told the Judge that

least to September of 1962. At that time Partin was in jail in Baton Rouge on a state criminal charge. He was also under a federal indictment for embezzling union funds, and other indictments for state offenses were pending against him. Between that time and Partin's

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his neighbor had offered him $10,000," and added, "We are going to have to lay low for a few days." King told Partin on October 26 that he intended to influence a female juror, Mrs. Paschal, in Hoffa's favor, and added that the juror and her husband, a highway patrolman, "loved money, and $10,000 is a lot of money." Hoffa informed Partin on October 29 that he "would pay 15 or $20,000, whatever—whatever it cost to get to the jury." On November 5, in Partin's presence, Hoffa berated King for failing in his promises to "get the patrolman." King then told Partin that he was arranging a meeting with the highway patrolman, but on November 7 King admitted to Partin that he had not yet contacted the highway patrolman and that Hoffa had been complaining "about not getting to the jury." Hoffa criticized King in the presence of Partin on November 14 for "not making a contact like he told him he would," adding that he "wanted some insurance." Later the same day, King told Partin that he had arranged to meet with the highway patrolman, and that he had prepared a cover story to allay suspicion. On November 15 Hoffa asked King in Partin's presence whether he had "made the contacts." King related to Partin on November 20 a meeting that King had had with juror Paschal's husband, stating that the highway patrolman wanted a promotion rather than money. The same day Hoffa told Partin that he was disturbed because "the Highway Patrolman wouldn't take the money," adding that if he had "taken the money it would have pinned him down and he couldn't have backed up."

There was other evidence at the trial that petitioner Campbell, a union associate of Hoffa's, and petitioner Parks, Campbell's uncle, had made bribe offers to Gratin Fields, a Negro juror. On November 7, according to Partin, Hoffa told Partin that he had "the colored male juror in [his] hip pocket," and that Campbell "took care of it." Hoffa told Partin that Campbell, a Negro, was related to Fields, and that while Fields had refused the bribe he would not "go against his own people." Hoffa concluded, "[I]t looks like our best bet is a hung jury unless we can get to the foreman of the jury. If they have a hung jury, it will be the same as an acquittal because they will never try the case again."

initial visit to Nashville on October 22 he was released on bail on the state criminal charge, and proceedings under the federal indictment were postponed. On October 8, Partin telephoned Hoffa in Washington, D. C., to discuss local union matters and Partin's difficulties with the authorities. In the course of this conversation Partin asked if he could see Hoffa to confer about these problems, and Hoffa acquiesced. Partin again called Hoffa on October 18 and arranged to meet him in Nashville. During this period Partin also consulted on several occasions with federal law enforcement agents, who told him that Hoffa might attempt to tamper with the Test Fleet jury, and asked him to be on the lookout in Nashville for such attempts and to report to the federal authorities any evidence of wrongdoing that he discovered. Partin agreed to do so.

After the Test Fleet trial was completed, Partin's wife received four monthly installment payments of $300 from government funds, and the state and federal charges against Partin were either dropped or not actively pursued.

Reviewing these circumstances in detail, the Government insists the fair inference is that Partin went to Nashville on his own initiative to discuss union business and his own problems with Hoffa, that Partin ultimately cooperated closely with federal authorities only after he discovered evidence of jury tampering in the Test Fleet trial, that the payments to Partin's wife were simply in partial reimbursement of Partin's subsequent out-of-pocket expenses, and that the failure to prosecute Partin on the state and federal charges had no necessary connection with his services as an informer. The findings of the trial court support this version of the facts,[4] and these findings were accepted by the Court

[4] In denying the defense motion to suppress Partin's testimony, the trial court stated: "I would further find that the government

of Appeals as "supported by substantial evidence." 349 F. 2d, at 36. But whether or not the Government "placed" Partin with Hoffa in Nashville during the Test Fleet trial, we proceed upon the premise that Partin was a government informer from the time he first arrived in Nashville on October 22, and that the Government compensated him for his services as such. It is upon that premise that we consider the constitutional issues presented.

Before turning to those issues we mention an additional preliminary contention of the Government. The petitioner Hoffa was the only individual defendant in the Test Fleet case, and Partin had conversations dur-

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did not place this witness Mr. Partin in the defendants' midst or have anything to do with placing him in their midst, rather that he was knowingly and voluntarily placed in their midst by one of the defendants."

The trial court's memorandum denying a motion for a new trial contained the following statement:

"The action of the Court in denying the motions of the defendants to suppress the testimony of the witness Partin is complained of in Grounds 41 and 42 of the motions for new trial. It is contended that one of the findings of fact of the Court with respect to the motion to suppress was rendered incorrect by subsequent evidence in the case. It is contended that the telephone transcriptions of the telephone calls between Partin and Hoffa on October 8 and 18, 1962, established that the defendant Hoffa did not invite Partin to Nashville. The telephone transcriptions reflect that the defendant Hoffa agreed to an appointment to see Partin in Nashville. Even if the defendant Hoffa did not initiate the invitation of Partin to come to Nashville, but rather Partin solicited the invitation, this does not in any way alter the Court's finding that the Government did not place or keep Partin with the defendant Hoffa. . . . The Government requested of Partin only that he report information of jury tampering or other illegal activity of which he became aware. Partin voluntarily furnished such information. He remained in Nashville or returned to Nashville either at the request or with the consent of the defendant Hoffa and not at the instruction of the Government."

ing the Test Fleet trial only with him and with the petitioner King. So far as appears, Partin never saw either of the other two petitioners during that period. Consequently, the Government argues that, of the four petitioners, only Hoffa has standing to raise a claim that his Sixth Amendment right to counsel in the Test Fleet trial was impaired, and only he and King have standing with respect to the other constitutional claims. Cf. *Wong Sun* v. *United States*, 371 U. S. 471, 487–488, 491–492; *Jones* v. *United States*, 362 U. S. 257, 259–267. It is clear, on the other hand, that Partin's reports to the agent Sheridan uncovered leads that made possible the development of evidence against petitioners Parks and Campbell. But we need not pursue the nuances of these "standing" questions, because it is evident in any event that none of the petitioners can prevail unless the petitioner Hoffa prevails. For that reason, the ensuing discussion is confined to the claims of the petitioner Hoffa (hereinafter petitioner), all of which he clearly has standing to invoke.

I.

It is contended that only by violating the petitioner's rights under the Fourth Amendment was Partin able to hear the petitioner's incriminating statements in the hotel suite, and that Partin's testimony was therefore inadmissible under the exclusionary rule of *Weeks* v. *United States*, 232 U. S. 383. The argument is that Partin's failure to disclose his role as a government informer vitiated the consent that the petitioner gave to Partin's repeated entries into the suite, and that by listening to the petitioner's statements Partin conducted an illegal "search" for verbal evidence.

The preliminary steps of this argument are on solid ground. A hotel room can clearly be the object of Fourth Amendment protection as much as a home or

an office. *United States* v. *Jeffers*, 342 U. S. 48. The Fourth Amendment can certainly be violated by guileful as well as by forcible intrusions into a constitutionally protected area. *Gouled* v. *United States*, 255 U. S. 298. And the protections of the Fourth Amendment are surely not limited to tangibles, but can extend as well to oral statements. *Silverman* v. *United States*, 365 U. S. 505.

Where the argument falls is in its misapprehension of the fundamental nature and scope of Fourth Amendment protection. What the Fourth Amendment protects is the security a man relies upon when he places himself or his property within a constitutionally protected area, be it his home or his office, his hotel room or his automobile.[5] There he is protected from unwarranted governmental intrusion. And when he puts something in his filing cabinet, in his desk drawer, or in his pocket, he has the right to know it will be secure from an unreasonable search or an unreasonable seizure. So it was that the Fourth Amendment could not tolerate the warrantless search of the hotel room in *Jeffers*, the purloining of the petitioner's private papers in *Gouled*, or the surreptitious electronic surveillance in *Silverman*. Countless other cases which have come to this Court over the years have involved a myriad of differing factual contexts in which the protections of the Fourth Amendment have been appropriately invoked. No doubt the future will bring countless others. By nothing we say here do we either foresee or foreclose factual situations to which the Fourth Amendment may be applicable.

In the present case, however, it is evident that no interest legitimately protected by the Fourth Amend-

[5] We do not deal here with the law of arrest under the Fourth Amendment.

ment is involved. It is obvious that the petitioner was not relying on the security of his hotel suite when he made the incriminating statements to Partin or in Partin's presence. Partin did not enter the suite by force or by stealth. He was not a surreptitious eavesdropper. Partin was in the suite by invitation, and every conversation which he heard was either directed to him or knowingly carried on in his presence. The petitioner, in a word, was not relying on the security of the hotel room; he was relying upon his misplaced confidence that Partin would not reveal his wrongdoing.[6] As counsel for the petitioner himself points out, some of the communications with Partin did not take place in the suite at all, but in the "hall of the hotel," in the "Andrew Jackson Hotel lobby," and "at the courthouse."

Neither this Court nor any member of it has ever expressed the view that the Fourth Amendment protects a wrongdoer's misplaced belief that a person to whom he voluntarily confides his wrongdoing will not reveal it. Indeed, the Court unanimously rejected that very contention less than four years ago in *Lopez* v. *United States*, 373 U. S. 427. In that case the petitioner had been convicted of attempted bribery of an internal revenue agent named Davis. The Court was divided with regard to the admissibility in evidence of a surreptitious electronic recording of an incriminating conversation Lopez had had in his private office with Davis. But there was no dissent to the view that testimony about the conversation by Davis himself was clearly admissible.

As the Court put it, "Davis was not guilty of an unlawful invasion of petitioner's office simply because his apparent willingness to accept a bribe was not real.

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[6] The applicability of the Fourth Amendment if Partin had been a stranger to the petitioner is a question we do not decide. Cf. *Lewis* v. *United States*, *ante*, p. —.

Compare *Wong Sun* v. *United States*, 371 U. S. 471. He was in the office with petitioner's consent, and while there he did not violate the privacy of the office by seizing something surreptitiously without petitioner's knowledge. Compare *Gouled* v. *United States*, *supra*. The only evidence obtained consisted of statements made by Lopez to Davis, statements which Lopez knew full well could be used against him by Davis if he wished. . . ." 373 U. S., at 438. In the words of the dissenting opinion in *Lopez*, "The risk of being overheard by an eavesdropper or betrayed by an informer or deceived as to the identity of one with whom one deals is probably inherent in the conditions of human society. It is the kind of risk we necessarily assume whenever we speak." *Id.*, at 465. See also *Lewis* v. *United States*, — U. S. —.

Adhering to these views, we hold that no right protected by the Fourth Amendment was violated in the present case.

II.

The petitioner argues that his right under the Fifth Amendment not to "be compelled in any criminal case to be a witness against himself" was violated by the admission of Partin's testimony. The claim is without merit.

There have been sharply differing views within the Court as to the ultimate reach of the Fifth Amendment right against compulsory self-incrimination. Some of those differences were aired last Term in *Miranda* v. *Arizona*, 384 U. S. 436, 499, 504, 526. But since at least as long ago as 1807, when Chief Justice Marshall first gave attention to the matter in the trial of Aaron Burr,[7]

[7] "Many links frequently compose that chain of testimony which is necessary to convict any individual of a crime. It appears to

all have agreed that a necessary element of compulsory self-incrimination is some kind of compulsion. Thus, in the *Miranda* case, dealing with the Fifth Amendment's impact upon police interrogation of persons in custody, the Court predicated its decision upon the conclusion "that without proper safeguards the process of in-custody interrogation of persons suspected or accused of crime contains inherently compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely. . . ." 384 U. S., at 467.

In the present case no claim has been or could be made that the petitioner's incriminating statements were the product of any sort of coercion, legal or factual. The petitioner's conversations with Partin and in Partin's presence were wholly voluntary. For that reason, if for no other, it is clear that no right protected by the Fifth Amendment privilege against compulsory self-incrimination was violated in this case.

III.

The petitioner makes two separate claims under the Sixth Amendment, and we give them separate consideration.

A.

During the course of the Test Fleet trial the petitioner's lawyers used his suite as a place to confer with him and with each other, to interview witnesses, and to plan the following day's trial strategy. Therefore, argues the petitioner, Partin's presence in and around the suite violated the petitioner's Sixth Amendment

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the court to be the true sense of the rule that no witness is *compellable* to furnish any one of them against himself. . . ." *In re Willie*, 25 Fed. Cas. 38, 40 (No. 14,692e) (C. C. D. Va. 1807). (Emphasis supplied.)

right to counsel, because an essential ingredient thereof is the right of a defendant and his counsel to prepare for trial without intrusion upon their confidential relationship by an agent of the Government, the defendant's trial adversary. Since Partin's presence in the suite thus violated the Sixth Amendment, the argument continues, any evidence acquired by reason of his presence there was constitutionally tainted and therefore inadmissible against the petitioner in this case. We reject this argument.

In the first place, it is far from clear to what extent Partin was present at conversations or conferences of the petitioner's counsel. Several of the petitioner's Test Fleet lawyers testified at the hearing on the motion to suppress Partin's testimony in the present case. Most of them said that Partin had heard or had been in a position to hear at least some of the lawyers' discussions during the Test Fleet trial. On the other hand, Partin himself testified that the lawyers "would move you out" when they wanted to discuss the case, and denied that he made any effort to "get into or be present at any conversations between lawyers or anything of that sort," other than engaging in such banalities as "how things looked," or "how does it look." He said he might have heard some of the lawyers' conversations, but he didn't know what they were talking about, "because I wasn't interested in what they had to say about the case." He testified that he did not report any of the lawyers' conversations to Sheridan, because the latter "wasn't interested in what the attorneys said." Partin's testimony was largely confirmed by Sheridan. Sheridan did testify, however, to one occasion when Partin told him about a group of prospective character witnesses being interviewed in the suite by one of the petitioner's lawyers, who "was going over" some written "questions and answers" with them.

This information was evidently relayed by Sheridan to the chief government attorney at the Test Fleet trial.[8]

The District Court in the present case apparently credited Partin's testimony, finding "there has been no interference by the Government with any attorney-client relationship of any defendant in this case." The Court of Appeals accepted this finding. 349 F. 2d, at 36. In view of Sheridan's testimony about Partin's report of the interviews with the prospective character witnesses, however, we proceed here on the hypothesis that Partin did observe and report to Sheridan at least some of the activities of defense counsel in the Test Fleet trial.

The proposition that a surreptitious invasion by a government agent into the legal camp of the defense may violate the protection of the Sixth Amendment has found expression in two cases decided by the Court of Appeals for the District of Columbia, *Caldwell* v. *United States*, 205 F. 2d 879, and *Coplon* v. *United States*, 191 F. 2d 749. Both of those cases dealt with government intrusion of the grossest kind upon the confidential relationship between the defendant and his counsel. In *Coplon*, the defendant alleged that government agents deliberately intercepted telephone consultations between the defend-

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[8] Petitioner maintains that the cross-examination of one of these character witnesses at the Test Fleet trial shows that the prosecution availed itself of the information transmitted by Partin. The prosecutor asked the witness:

Q. "Did [defense counsel] give you anything to read, Mr. Sammut?

A. "No sir, not even a newspaper.

Q. "Not even a newspaper? I am not talking about newspapers, I am talking with respect to your testimony. Did they give you anything to read with respect to your testimony?

A. "After I talked to them.

Q. "They gave you written questions and answers, didn't they?

A. "The questions that they asked me and the questions that I answered."

Tweel; that for a period of several weeks Mr. Nicholas Tweel spent considerable time in the office but was not present every day; that she handled and answered his phone calls and did some private secretarial work for him; that Mr. Tweel had several other business interests and had another office located in Huntington, West Virginia at 607 Twelfth Avenue; that during said time he received numerous phone calls with reference to the purchase of property and other business; that in November or December of 1962 a Mr. Allen Dorfman telephoned Mr. Nicholas Tweel long distance and they talked a few minutes and Mr. Tweel asked this affiant to answer the extension phone and copy a list of names Mr. Dorfman would dictate to her, which she did; that during said time Mr. Tweel received many phone calls, many of them being long distance, and this affiant handled other calls from Mr. Dorfman, a Mr. Osborn and a Mr. Dallas Hall, as well as other persons in Tennessee; that the above names are remembered because they were subsequently repeated to her many times and were all connected with the Hoffa case in Tennessee; that Mr. Osborn was Mr. Hoffa's attorney; that Dallas Hall was a witness in the case as was this affiant; that subsequent to the call of Mr. Dorfman, Mr. Tweel asked this affiant to come to his office on Twelfth Avenue in Huntington, West Virginia, at which time she gave a complete statement about Mr. Tweel's calls to and from Mr. Dorfman, which statement recited that said calls were in connection with insurance business, the purchase of the West Virginia Building and the Prichard Hotel in Huntington; that said statement was notarized by attorney John E. Jenkins, Jr.; that a few days before said statement was made she was visited by two agents of the Federal Bureau of Investigation, to-wit: a Mr. Kelly and a Mr. Shoemaker, who asked if she handled calls for Mr. Tweel; that after answering in the affirmative she was asked by said agents if she knew the names of Dallas Hall and Allen Dorfman, which she answered in the affirmative; that she advised said agents

that out of courtesy to Mr. Tweel she thought he should be present before answering any more questions, after which said agents left and questioned her no further.

This affiant further says that subsequent to the foregoing she was served with a subpoena by U.S. Deputy Marshall Menis Adkins on February 25, 1963 to appear before the Grand Jury in Nashville, Tennessee, on February 26, 1963; that she was unable to make plane reservations in order to make said trip on said date; that she telephoned Nicholas Tweel who advised her to telephone the Justice Department in Nashville, Tennessee; that she telephoned Nashville and spoke to a Mr. Neal and advised him she could not be present on February 26, 1963 and Mr. Neal gave her permission to be there on February 27, 1963; that Nicholas Tweel told her to contact a Mr. Z. T. Osborn when she arrived in Nashville; that upon contacting Mr. Osborn she was advised by him that if all she knew was contained in her statement which she had made for Nicholas Tweel that she should verify her statement when testifying; that she appeared before the Federal Grand Jury and gave her testimony on February 27, 1963; that after testifying Mr. Neal, a government attorney, questioned her about her loyalty to Nicholas Tweel and asked her if she knew what perjury meant; that she advised Mr. Neal that she was loyal to Nicholas Tweel and that she knew what perjury meant; that following this interrogation she returned to Huntington, West Virginia.

Affiant further says that the next contact made with her by the United States Justice Department was following Nicholas Tweel's indictment; that a Mr. Walter Sheridan and an attorney named Shaffer in early evening came to her apartment, 1107 Fourth Avenue, in Huntington, West Virginia, and advised her that she had to go with them to Nashville, Tennessee, and that they were in a hurry to get her there; that said men advised that they had a plane reservation and that it was almost plane time; that she

requested, but was refused, the right to telephone her mother and her employer; that said men rushed her out of her home and to the airport in an automobile which was driven by Mr. Sheridan; that she rode in the front seat between Sheridan and Mr. Shaffer, at their suggestion; that on the way to the Huntington Airport Mr. Shaffer on a number of occasions shielded her face with his hat when stopping at stop lights and at other times when other vehicles would be along side or lights would shine in the car; that when arriving at the airport the car was parked some distance from the main entrance; that she and the two men remained in the car for approximately thirty minutes and said men continued speaking to her about going to Nashville; that she continued to protest said trip but said men promised her that they would permit her to call her mother upon arriving in Nashville; that she and the two men flew to Nashville and that her plane reservations were in the name of Harriet Miller; that she was escorted to a Holiday Inn Motel near the Nashville airport late at night where she was put in a room; that she did not register but assumes that she was registered by the two men under the name of Harriet Miller; that she was advised by the two men that they would see her the following morning; that she was unable to sleep any during the night and was extremely frightened; that she was afraid to make a phone call and knew that she could not get away so she remained in the room all night; that the following morning Mr. Shaffer came to her room and subjected her to over two hours of interrogation consisting of browbeating and coercion that he accused her of lying and being a traitor to her country; he advised her that Hoffa was a "scoundrel", that Nicholas Tweel and Allen Dorfman were crooked and cohorts of Hoffa; that she was told by Mr. Shaffer that she was not doing her duty as an American Citizen and that she could help the government rid society of these men if she would cooperate with the government; that due to the fact that she was several

hundreds of miles from home and presumably in the custody of two high-ranking government officials, and that no one knew where she was, she was extremely upset and frightened; that at said time she had no knowledge or information as to her legal rights; that after being interrogated for two hours by Mr. Shaffer she was extremely nervous, shaking with fear, and crying; that subsequent to Mr. Shaffer leaving the motel room Mr. Sheridan came in carrying a square type case which he sat down beside him; that after approximately ten minutes this affiant was able to compose herself and Mr. Sheridan began speaking in a very soft voice telling and explaining that the government needed this affiant and what a great service she could render to her country by cooperating with Mr. Shaffer and himself; that he stated that he knew she had lied to the Grand Jury and that he could prove it; that he knew of every phone call that Nicholas Tweel had made and that they had all been recorded and that the government knew that Mr. Tweel and Mr. Dorfman were guilty but that they needed this affiant's testimony to prove their guilt in Court; that Mr. Sheridan opened the square case which was a tape recorder and advised this affiant that he needed her to testify that she had taken down a list of members of the Hoffa jury over the telephone from Mr. Dorfman; that the square case had several tapes with the recorder; that Mr. Sheridan placed one of the tapes on the recorder and played the following: A female Voice, "Long distance calling Mr. Nicholas Tweel", this affiants voice saying, "May I tell Mr. Tweel who is calling?", a man's voice stating "Allen Dorfman," this affiant's voice, "Just a moment please", Mr. Tweel's voice saying "Hello"; that Mr. Tweel and Mr. Dorfman on said tape talked very briefly and Mr. Dorfman said he had the list of names for Mr. Tweel; that Mr. Tweel, at this point of said tape, said, "Hazel, pick up your phone and take down this list of names. I don't want to talk to him when you finish."; that a voice started to say something on the tape and Mr.

Sheridan stopped the recorder; that Mr. Sheridan told this affiant, "Now you can see I know what I am talking about, that's when you copied the list of the Hoffa jury."; that this affiant insisted at this time that she did not know that the names were jurors but admitted that she had taken down a list of names; that she was in an emotional condition at this point and became more scared by the moment and she advised Mr. Sheridan of this fact; that Mr. Sheridan advised her that there was nothing to be scared of so long as she would agree to cooperate with the government and advised her that she would be protected by the government; that, while still crying, Mr. Sheridan advised her that she had more to fear from the Teamsters Union and Hoffa than anyone else; that Mr. Sheridan placed another tape on the recorder and played the following: a man's voice saying, "Tommy, who the hell is the Fulton woman connected with Tweel?", another man's voice saying, "Jimmy, she is a trusted employee of Nick's." The first voice then said, "I hear different. This woman can cause a hell-of-a-lot of trouble. Somebody had better talk to her."; that at this point Mr. Sheridan shut the recorder off and told this affiant that she had just heard Hoffa talking to his attorney about her and that the Teamsters had the reputation of taking care of their enemies and apparently she was on their enemy list; that she was getting more frightened by the moment; that she was advised by Mr. Sheridan to think about her previous statement and her Grand Jury testimony; that he advised her that she could go home to Huntington and that she would be contacted; that she was further advised by Mr. Sheridan not to talk to anyone until she was contacted by an agent of the government; that Mr. Sheridan took her to the Nashville airport and she flew back to Huntington on reservations in the name of Harriet Miller, which she presumes to have been made by Mr. Sheridan.

Affiant further says that upon returning to Huntington, the following night she was contacted by Agent Shoemaker

who advised her to come to his office at about 11 P.M.; that she went to Shoemaker's office in Huntington and gave the statement that Mr. Sheridan requested her to make; that on the way home from Nashville on the plane she was extremely upset and very worried and remembered the various things that Mr. Sheridan had told her, including the fact that she would be indicted for perjury and would go to the penitentiary, as well as proving to her that she was in danger from the Teamsters Union and Mr. Hoffa; that it was due to the foregoing that she made her statement to Agent Shoemaker.

Affiant further says that several days after giving her statement to Agent Shoemaker Mr. Sheridan telephoned her and told her not to worry and to forget about the tapes; that she was a government witness and would be given protection around the clock; that Agent Shoemaker brought two men to her apartment and introduced them as U.S. Deputy Marshalls; that she was advised that they would protect her from Hoffa and the Teamsters Union until after the trial; that there were at least two, and sometimes more than two, men on guard with her for twenty-four hours each day for the following eight or nine months; that the said guards were changed about every two weeks.

Affiant further says that on September 15, 1963 Agent Shoemaker called at her apartment and took her to the Huntington Airport advising her that he was sending her to Washington, D.C. that she flew alone to Washington, D.C. and was met at the airport by Mr. Sheridan; Mr. Sheridan escorted her to Robert F. Kennedy's office and introduced her to Mr. Kennedy; that while in Mr. Kennedy's office she was introduced to John J. Hooker, who she later learned was the chief prosecutor in the Hoffa trial in Nashville, Tennessee; that she was not interrogated in any way by Mr. Hooker; that Mr. Kennedy was present at all times that Mr. Hooker was in the room;

that following Mr. Hooker's departure from the room she was asked by Mr. Kennedy about her association with Nicholas Tweel and other matters pertaining to the Hoffa case; that Mr. Kennedy asked her about telephone conversations and was very specific about one telephone conversation; that he asked if this affiant had heard a conversation wherein Mr. Tweel had told someone to give someone else Ten Thousand Dollars ($10,000.00) and not to worry about it; that she advised Mr. Kennedy she had not heard any such conversation; that Mr. Kennedy stated that she was not telling him the truth in this regard but stated that she had done a great service to her country and that he would be glad to help her in any way he could; that following this meeting she returned to Huntington on the same day by airplane.

Affiant further says that sometime after the aforesaid trip to Washington, D.C. that she was called upon by Mr. Shaffer and a Mr. Cassidy at her home in Huntington; that the two men told her that Mr. Sheridan wanted to see her in Nashville, Tennessee; that she was taken to the Huntington Airport and accompanied by the two men to Washington, D.C.; that upon arriving in Washington, D.C. she remained at the airport with Mr. Shaffer for approximately three hours, during which time she and Mr. Shaffer remained in the airport lobby; that during said time Mr. Cassidy left and then later returned; upon Mr. Cassidy's return the two men and this affiant boarded a plane and flew to Nashville; that upon arriving in Nashville, Tennessee she met Mr. Sheridan at his office; that Mr. Sheridan suggested that she go to Columbus, Ohio to work for the Federal Bureau of Investigation until after the trial of the Hoffa case; that while she was in Mr. Sheridan's office he requested his secretary to wire Washington, D.C. for One Hundred Fifty Dollars ($150.00); that Mr. Sheridan's secretary left the office and when she returned gave Mr. Sheridan One Hundred Fifty Dollars ($150.00); that Mr. Sheridan then gave this affiant One Hundred Thirty-four

Dollars ($134.00) from the One Hundred Fifty Dollars ($150.00) in cash; that following this conference this affiant returned to Huntington, West Virginia, and did not go to Columbus, Ohio.

Affiant further says that from the time she was taken to Nashville, Tennessee by Mr. Sheridan and Mr. Shaffer that neither Nicholas Tweel nor anyone from the Teamsters Union attempted to call or contact her.

This affiant further says that this affidavit is hereby made without undue influence, misrepresentation or coercion practiced or exercised upon her by any person or persons in any manner whatsoever.

HAZEL FULTON
Hazel Fulton

Taken, subscribed and sworn to before me, the undersigned Notary Public, this 31st day of January, 1967.

W. I. FLESHER
Notary Public

My Commission expires February 4, 1974.